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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,480	06/20/2006	Rolf Joss	030705-188	9189

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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WILLIAMS, DON J

ART UNIT	PAPER NUMBER
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2878

NOTIFICATION DATE	DELIVERY MODE
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03/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,480	<b>Applicant(s)</b> JOSS ET AL.	
	<b>Examiner</b> DON WILLIAMS	<b>Art Unit</b> 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moscato et al (6,335,978).

As to claim 1, Moscato et al disclose (fig. 1) producing (15) an image (16) of the fabric web (17), generating a first signal (image data, 14) from the image (16) of the fabric web (17), detecting (20, 23) the movement (18) of the fabric web (17) in the same part of the fabric web (17), generating a second signal (image data, 21, 24) connected with the movement of the fabric web (17), and combining (12) the first (14) and the second signal (21, 24) in a suitable manner, (Abstract, column 3, lines 3-15, lines 44-65, column 4, lines 4-24). Moscato et al is silent for explicitly disclosing geometrical ratios in the image. However, Moscato et al does teach that the raster image processor (RIP, 11) provides imaging data to the imaging device (15) in order to produce images (16) on certain sections of the fabric web while the web (17) move in the direction (18) of the optical sensors (20, 23), (column 3, lines 42-50). Additionally, the signals (13, 21, 24) are combined via comparison circuitry (12) to determine if there is any discrepancy in the producing of the image and generate an electronic error (22) which is used correct the system, (column 3, lines 55-65). This logic implies that the producing of the images

Application: 10/564,480

Art Unit: 2878

on the fabric web is functionally equivalent to geometrical ratios. It would have been obvious for one of ordinary skill in the art to modify Moscato et al to use the imaging system to produce or form specific colors or patterns in the fabric web which are scanned and detected by the optical sensors in order to maintain the correct geometrical ratios in the images.

As to claim 2, Moscato et al disclose (fig. 3) a sensor strip (20) arranged inclined at an angle to the fabric web (17) and thus being adapted for producing (15) an image (16) of the fabric web (17) and generating a first signal (14) from the image (16) of the fabric web (17) and detecting a characteristic connected with the movement of the fabric web (17) in the area of this part of the fabric web (17) and generating a second signal (21, 24) connected with the movement of the fabric web (17), and a processor (12) for combining in a suitable manner the first (14) and the second signals (21, 24) in order to produce original geometrical ratios in the image (16), (column 5, lines 31-57).

As to claim 3, Moscato et al disclose (fig. 1) a sensor strip (20, 23) for producing an image (16) of the fabric web (17) and generating a first signal (14) from the image (16) of the fabric web (17), at least one further sensor (20, 23) for detecting a characteristic connected with the movement (18) of the fabric web (17) and generating a second signal (21, 24) connected with the movement (18) of the fabric web (17), the at least one further sensor (20, 23) being arranged in the area of this part of the fabric web (17), and a processor (12) for combining in a suitable manner the first (14) and the second signals (21, 24) in order to produce original geometrical ratios in the image (16), (column 3, lines 42-65).

Application: 10/564,480

Art Unit: 2878

As to claim 4, Moscato et al disclose (fig. 1) wherein seen across the width of the fabric web (17), several sensor strips (20, 23) are arranged each with a further sensor (20, 23), the sensor strips (20, 23) being arranged behind one another in the direction of the width of the fabric web (17) and forming a sensor line, (column 4, lines 10-30).

As to claim 5, Moscato et al disclose (fig. 2) at least two substantially parallel sensor lines (20, 23) are arranged relative to the fabric web (17), (column 4, lines 10-40).

As to claim 6, Moscato et al disclose (fig. 1) a sensor strip (20) from a first sensor line (20) and a sensor strip (23) from an adjacent sensor line (23) partly overlap seen in the direction of movement of the fabric web (17), (column 4, lines 10-40).

As to claim 7, Moscato et al disclose (fig. 1) a sensor strip (20) from the adjacent sensor line (20) is provided as a further sensor (20), a characteristic (16) connected with the movement of the fabric web (17) being acquired from the signals (21, 24) of the two overlapping sensor strips (20, 23), (column 4, lines 10-40).

As to claim 8, Moscato et al (fig. 3) disclose a further sensor (23) is arranged in the area of overlap of the two sensor strips (20), (column 5, lines 44-54).

As to claim 9, Moscato et al (fig. 3) disclose a further sensor (20, 23) is arranged next to a sensor strip (20, 23) seen in the direction of the width of the fabric web (17), (column 4, lines 10-30).

As to claim 10, Moscato et al disclose (fig. 1) the further sensor (20, 23) is an optical sensor with several scanning lines, (column 3, lines 51-52, lines 66-67).

As to claim 11, Moscato et al disclose (fig. 1) the sensor strip (20, 23) is an optical sensor with one scanning line, (column 3, lines 51-52, lines 66-67).

Application: 10/564,480

Art Unit: 2878

As to claim 12, Moscato et al (fig. 1) disclose an imaging system (10) having sensors (20, 23) scanning a web fabric (17) which constitutes a contact image sensor used in a flatbed scanner, (column 4, lines 10-30).

As to claim 13, Moscato et al disclose (fig. 1) a processor (12) which is connected to an input/output device (11) is assigned to the sensor strip (20, 23), (column 3, lines 40-65).

As to claim 14, Moscato et al disclose a common input/output device (11) is assigned to several sensor strips (20, 23) and several further sensors (20, 23), (column 3, lines 40-65).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Application: 10/564,480

Art Unit: 2878

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON WILLIAMS whose telephone number is (571)272-8538. The examiner can normally be reached on 8:30a.m. to 5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Don Williams/  
Examiner, Art Unit 2878

/Georgia Y Epps/  
Supervisory Patent Examiner, Art Unit 2878